

1922, ch. 492, sec. 2.

1. *Definitions.* In this Article, unless the context otherwise requires, "Company" means an insurance company, and includes all corporations, associations, partnerships or individuals engaged as principals in the business of insurance;

"Insurance business," or "business of insurance," means and embraces, among other things, the making, negotiating or soliciting of any contract of insurance or reinsurance, including the guaranty or insurance of the title to real or personal property, and the principal or interest secured by any mortgage; the issuing of any bond insuring the fidelity of any person, the performance of any contract, act, trust or thing; and any obligation or undertaking of any kind or nature whatsoever insuring against or undertaking to indemnify any person for loss resulting from any contingency, hazard or casualty;

"State" includes the District of Columbia, the territories and dependencies of the United States of America, the provinces of the Dominion of Canada and all foreign countries;

"Domestic Company" means an insurance company incorporated under the general laws of the State of Maryland, or by special act of the Maryland Legislature;

"Foreign Company" means an insurance company incorporated, formed or organized elsewhere or under laws other than the laws of the State of Maryland;

"Commissioner" or "Insurance Commissioner" means the State Insurance Commissioner of Maryland.

"Department" or "Insurance Department" means State Insurance Department of Maryland.

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When a New York insurance commissioner in whom the law of that state vested a discretion to refuse a foreign insurance company a license, unjustifiably refuses such license to a Maryland company, the Maryland insurance commissioner is justified as a measure of retaliation under sec. 205 of art. 23, An. Code, 1912, in refusing a similar New York company a license, although it has complied with this section. *Talbot v. Fidelity, etc., Co.*, 74 Md. 541.

The whole matter of the service of process on foreign insurance companies is regulated by the act of 1878, ch. 106, sec. 30, and sec. 411 of the Code of 1904 (see art. 23, sec. 118), has no application thereto. *Oland v. Agricultural Ins. Co.*, 69 Md. 250 (decided in 1888).

Under the act of 1872, ch. 388, sec. 33, and previous acts, a non-resident has the right to sue on a policy of insurance issued in this state, although the insurance company's agency had been withdrawn from the state prior to the loss. Service of process upon the insurance commissioner, held sufficient. *Ben Franklin Ins. Co. v. Gillett*, 54 Md. 216.

This section referred to in deciding that a book found among the books and papers in the office of the insurance commissioner and containing a document purporting to be a copy of the defendant's charter, was admissible in evidence. *Metropolitan Ins. Co. v. Dempsey*, 72 Md. 293.

See notes to secs. 159 and 201 (this footnote).

As to process against insurance companies, see also art. 75, sec. 27.

As to process against fraternal orders, see sec. 163 (art. 48A).

184. That a traverser might be liable under this section and sec. 192 of art. 23, An. Code, 1912, relating to solicitors for insurance companies is immaterial where he had been indicted under secs. 218 and 219 of art. 23, An. Code, 1912, relating to solicitors for brokers. *State v. Geddes*, 127 Md. 169.

For a case construing the act of 1878, ch. 106, sec. 31, see *State v. Insurance Co. of North America*, 55 Md. 493.